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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BILLY Y. TATEYAMA,

Plaintiff,

v.

AT&T, INC., et al.,

Defendants.

2:11-CV-835 JCM (CWH)

**ORDER**

Presently before the court is the matter of *Tateyama v. AT&T, Inc., et al.* (Case No. 2:11-cv-00835-JCM-CWH).

Federal Rule of Civil Procedure 4(m) provides: “If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice.”

Plaintiff filed the complaint on May 20, 2011. (Doc. #1). Pursuant to Federal Rule of Civil Procedure 4(m), on January 12, 2012, the clerk of the court provided notice to plaintiff that the action would be dismissed as to defendant Fidelity Employer Services Company, LLC, if plaintiff did not file proof of service of process by February 11, 2012. (Doc. #33).

To date, plaintiff has failed to file proof of service with the court as to Fidelity Employer Services Company, LLC.

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the case as to Fidelity  
3 Employer Services Company, LLC be, and the same hereby is, DISMISSED without prejudice.

4 DATED February 23, 2012.

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7 UNITED STATES DISTRICT JUDGE  
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